

Heckathorn Site

I. LRTC – General Statement (3:00-3:15)

- LRTC has cooperated for over 20 years with EPA requests for access and will continue to give EPA access as requested for sampling activities. The issue for discussion here is solely related to Montrose's request for access to conduct third-party sampling.
- Ninth Circuit case law does not allow cost recovery for "duplicative" sampling, see *U.S.v. Newmont*, such as when EPA collects sampling after third party sampling, or when third party conducts sampling conducted after EPA
- Any sampling now conducted by Montrose could impede EPA's ability to recover costs for its own sampling conducted down the road – and to ensure objectivity and avoid need for duplicative sampling must be carefully considered as to purpose, objective, and for bias (either in sampling locations, type of analysis, purpose, etc.)

II. Montrose – General Statement (3:15 – 3:20)

III. Report on Recent Sampling Conducted (3:20 – 3:30)

- Montrose (3:20 – 3:25)
- LRTC (3:25 – 3:30)

IV. EPA Position on Sampling (3:30 – 4:00)

- Data Gaps (EPA Identified Data Gaps)
- Purpose of other sampling?
- Guidance/Terms on use of third party sampling
 - Use of third party sampling for remedy selection
 - Use of third party sampling where no consent order in place

V. Montrose – Presentation on Sampling (4:00 – 4:30)

- Specific Purpose of Sampling
- Location of Sampling
- Conditions for Sampling – wet weather/dry weather

VII. Terms of Immediate Access (4:30 – 4:45)

VIII. Follow- Up (4:45 – 5:00)

